

## A VESCO LAWYER REBUTS WITNESS

Reads an Affidavit He Calls  
Contradiction of Another

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Special to The New York Times

NASSAU, the Bahamas, Nov. 15—The chief counsel for Robert L. Vesco read to a Bahamian magistrate today an affidavit from a key United States Government witness that the lawyer said contradicted what the witness had said in an affidavit given to American authorities.

In a sworn statement to the Justice Department on Sept. 26, C. Henry Buhl 3d said he had sold a large block of stock, pursuant to a verbal agreement with Mr. Vesco, in which the financier agreed to pay \$140,000. He said Mr. Vesco made a down payment of \$50,000 in January of 1972.

In a Federal indictment returned last July in New York, Mr. Vesco was charged with fraudulently using money from a corporation he controlled to make the down payment. It is that indictment that formed the basis for the United States application here for Mr. Vesco's extradition. The application is the subject of a magistrate's hearing that began Tuesday.

Cecil Wallace Whitfield, the Nassau lawyer retained as United States counsel for the hearing, read in court today the affidavit given by Mr. Buhl to the American government, and the document was accepted as evidence by Magistrate Emanuel E. Osadebay.

### Affidavit Produced

Eugene Dupuch, chief counsel for Mr. Vesco, then produced an affidavit obtained by the defense from Mr. Buhl, in which he said he sold the stock, not to Mr. Vesco personally, but to a wholly owned subsidiary of International Controls Corporation, the Vesco-controlled company from which the Justice Department has accused Mr. Vesco of embezzling \$50,000 to make the initial deposit on the purchase of the stock.

The second affidavit, dated Nov. 12, the day before the hearing started, was read to the court by Mr. Dupuch, but was not accepted as evidence by the magistrate. Mr. Osadebay indicated, however, that it will be admitted later, probably as part of the defense's case, which will commence once the prosecution has finished with its presentation.

Mr. Dupuch was eager to make the magistrate aware at this time of the latest Buhl affidavit, he said, because he wanted Mr. Osadebay to be

able to consider it after the prosecution's presentation when, Mr. Dupuch indicated, he may want to move for dismissal on the ground that the United States has failed to make a case.

The indictment alleges that the 375,500 shares of preferred stock of Investors Overseas Services, a sprawling mutual-funds complex based in Nassau, was purchased partially with money from International Controls, based in Fairfield, N.J., for the personal benefit of Mr. Vesco.

### The Two Versions

In the affidavit to the Justice Department, Mr. Buhl said the 190,000 balance due him on the stock transaction was paid in the form of a loan by the Bahamas Commonwealth Bank, a Nassau institution controlled by Mr. Vesco, to Mr. Buhl's wife. Liability for the loan was assumed by Kilmorey Investments, Ltd., a Bahamian corporation, according to Mr. Buhl, and early this year, at Mr. Vesco's instruction, he delivered the stock to Kilmorey.

In the subsequent affidavit, given to the Vesco forces in New York last Monday and certified by the British Consulate there, Mr. Buhl said the stock was sold to Hemisphere Financial Services, a subsidiary of International Controls, later acquired by Kilmorey.